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10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT FOR**  
12 **THE DISTRICT OF NEVADA**

13 KRISTINA PFAFF-HARRIS and FRED  
14 G WRIGHT, individually and on behalf  
15 of all others similarly situated ,

16 Plaintiffs,

17 v.

18 PROGRESSIVE DIRECT INSURANCE  
19 COMPANY and PROGRESSIVE  
20 NORTHERN INSURANCE  
21 COMPANY, Ohio corporations,

22 Defendants.

23 **Case No.: 2:24-cv-00761-RFB-NJK**

24 **MOTION TO WITHDRAW AS COUNSEL**

COMES NOW, Gregg A. Hubley, Esq. and Christopher A.J. Swift, Esq., on behalf of Jason A. Ibey, Esq.; Pamela Prescott, Esq.; Gil Melili, Esq.; and Ross Schmierer, Esq., of the law firm KAZEROUNI LAW GROUP, APC, hereby moves this Honorable Court for an Order allowing the law firm KAZEROUNI LAW GROUP, APC to withdraw as attorneys of record for Plaintiffs Kristina Pfaff-Harris and Fred G. Wright (“Plaintiffs”).

This Motion is made and based upon the following Memorandum of Points and Authorities, and the Declaration of Jason A. Ibey, attached hereto.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

1. This lawsuit was filed on April 19, 2024. Dkt. 1.
2. The lawsuit lists Jason A. Ibey, Ross H. Schmierer, Pamela E. Prescott, and Gil Melili of KAZEROUNI LAW GROUP, APC (collectively, “the KLG Attorneys”) as attorneys of record on the complaint.
3. Listing the KLG Attorneys as counsel for Plaintiffs in this lawsuit was error, because the KLG Attorneys do not and have never represented Plaintiffs in this matter.
4. The KLG Attorneys were not notified that the complaint lists them as counsel of record at the time the lawsuit was filed.
5. The KLG Attorneys first became aware that they are listed as counsel of record on or about April 25, 2024, when they received copy by mail of an April 23, 2024 Notice to Counsel Pursuant to Local Rule IA 11-2.
6. Nevada Supreme Court Rule (“SCR”) 46 provides that an attorney may withdraw “at any time before judgment or final determination ... upon the order of the court or judge thereof on the application of the attorney...” Pursuant to SCR 166, an attorney may be permitted to withdraw if withdrawal can be accomplished without adversely affecting the interests of the client, or if good cause exists for terminating the representation.
7. Local Rule IA 11-6(a) allows for an attorney to withdraw with leave of court after notice of the intent to withdraw is served. Plaintiffs’ Counsel, Carney Bates & Pulliam PLLC, has notified Plaintiffs that KLG Attorneys are seeking withdrawal.

8. Local Rule IA 11-6(e) provides that, except for good cause, withdrawal will not be granted if a delay in discovery, the trial or any hearing will result.

9. Here, withdrawal should be permitted as there will be no delay, as the matter is in its inception and the Complaint has not been served. Plaintiffs are in agreement that Jason A. Ibey, Ross H. Schmierer, Pamela E. Prescott, and Gil Melili of KAZEROUNI LAW GROUP, APC should withdraw from this case.

10. The attached Declaration of Jason A. Ibey is incorporated herein by reference and establishes that good cause exists for the withdrawal of KLG Attorneys as counsel of record for Plaintiffs, that withdrawal can be accomplished without adversely affecting the interest of the clients.

11. Pursuant to Local Rule IA 11-6(b), a copy of this motion has been served on the Plaintiffs via e-mail, as well as via the Court's CM/ECF system to all parties and counsel as identified on the Court-generated Notice of Electronic Filing.

WHEREFORE, the undersigned respectfully requests that this Court enter an Order approving the withdrawal of Jason A. Ibey, Ross H. Schmierer, Pamela E. Prescott, and Gil Melili of KAZEROUNI LAW GROUP, APC as attorneys of record for Plaintiffs Kristina Pfaff-Harris and Fred G. Wright in this matter and be removed from the CM/ECF notification list for this matter.

DATED this 7<sup>th</sup> day of May 2024.

Respectfully submitted,

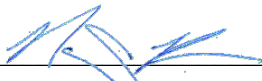
By: /s/ Gregg. A. Hubley  
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**ORDER**

IT IS THEREFORE ORDERED that Jason A. Ibey, Ross H. Schmierer, Pamela E. Prescott, Gil Melili of KAZEROUNI LAW GROUP, APC be allowed to withdraw as Counsel of record, for Kristina Pfaff-Harris and Fred G. Wright.

IT IS SO ORDERED.

Dated: May 8, 2024

  
\_\_\_\_\_  
United States Magistrate Judge

**DECLARATION OF JASON A. IBEY IN  
SUPPORT OF MOTION TO WITHDRAW AS COUNSEL**

I, JASON A. IBEY, declare under penalty of perjury under the laws of the United States, as follows:

1. I am an attorney licensed to practice law in the State of California and am an attorney at the law firm of KAZEROUNI LAW GROUP, APC. The facts set forth in this declaration are known to me personally, or are based upon my information and belief, and if called to do so, I would competently testify under oath regarding the same.

2. I make this declaration in support of KAZEROUNI LAW GROUP, APC's motion to withdraw as counsel of record and removal from CM/ECF service list for Plaintiffs.

3. This lawsuit was filed on April 19, 2024.

4. The lawsuit lists myself, Ross H. Schmierer, Pamela E. Prescott, and Gil Melili of KAZEROUNI LAW GROUP, APC (collectively, "the KLG Attorneys") as attorneys of record on the complaint.

5. Listing myself and my colleagues as counsel in this lawsuit was error, because we do not and have never represented Plaintiffs in this matter.

6. My colleagues and I were not notified that the Complaint lists us as counsel of record at the time the lawsuit was filed.

7. My colleagues and I first became aware that we are listed as counsel of record on or about April 25, 2024, when we received copy by post mail of an April 23, 2024 Notice to Counsel Pursuant to Local Rule IA 11-2.

8. KAZEROUNI LAW GROUP, APC has not been retained by Plaintiffs to represent them in the above-captioned matter.

9. Since this matter is in its inception and the Complaint has not been served, there will be no delay by permitting withdrawal.

10. Further, permitting withdrawal will not adversely affect the interest of the clients as the law firms of ARIAS SANGUINETTI WANG & TEAM LLP, SHAMIS & GENTILE,

1 P.A., EDELSBERG LAW, P.A., CARNEY BATES & PULLIAM, PLLC, NORMAND PLLC,  
2 and JACOBSON PHILLIPS PLLC are not seeking withdrawal as counsel of record in this matter.

3 11. Accordingly, by this motion, I respectfully request the withdrawal of  
4 KAZEROUNI LAW GROUP, APC as counsel of record. This Motion is brought in good faith  
5 and not for purposes of any delay.

6 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing  
7 is true and correct.

8  
9 DATED this 7<sup>th</sup> day of May 2024.

10 By: /s/ Jason A. Ibey  
11 Jason A. Ibey  
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